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PATENT
Attorney Docket No. 101.0054-03000
Customer No. 22882
Via Express Mail Label No. ET747368596US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner For Patents
Washington, D.C. 20231

Prior Application: Art Unit: 3731
Examiner: U. Ho

SIR: This is a request for filing a

☒ Continuation ☐ Continuation-in-Part ☐ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/734,303, filed December 12, 2000 of Gary K. Michelson, M.D. for MILLING INSTRUMENTATION AND METHOD FOR PREPARING A SPACE BETWEEN ADJACENT VERTEBRAL BODIES

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/734,303 as originally filed on December 12, 2000.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☒ Cancel Claims 2-124.
4. ☐ An Amendment is enclosed.
5. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 3 and 4 above.

| | | | | | | |
|--|------------------|---|-------|--------------|--------|-----------|
| Basic Application Filing Fee | | | | | \$740 | \$ 740.00 |
| | Number of Claims | | Basic | Extra Claims | | |
| Total Claims | 1 | - | 20 | 0 | x \$18 | 0 |
| Independent Claims | 1 | - | 3 | 0 | x \$84 | 0 |
| [] Presentation of Multiple Dep. Claim(s) | | | | | +\$280 | 0 |
| Subtotal | | | | | | \$ 740.00 |
| Reduction by 1/2 if small entity | | | | | | - 0 |
| TOTAL APPLICATION FILING FEE | | | | | | \$ 740.00 |

- Customer No. 22882
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17. ☐ Recognize as associate attorney _____
(name, address & Reg. No.)
18. ☒ Also enclosed is an Information Disclosure Statement with Form PTO-1449 and 3 cited documents.

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, Serial No. 09/734,303, filed December 12, 2000, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 50-1066. A duplicate copy of this paper is enclosed for use in charging the deposit account.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: February 27, 2002

By: Thomas H. Martin
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Gary K. Michelson, M.D.)
)
Serial No.: (Cont. of 09/734,303)) (Group Art Unit: 3731)
)
Filed: February 27, 2002) (Examiner: U. Ho)
)
For: MILLING INSTRUMENTATION)
AND METHOD FOR PREPARING A)
SPACE BETWEEN ADJACENT)
VERTEBRAL BODIES)

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

Express Mail Mailing Label No. ET747368596US

Date of Deposit: February 27, 2002


I hereby certify that:

1. Rule 1.53(b) Continuation Application Transmittal Form (in duplicate)
2. Copy of prior application including Declaration and Drawings
3. 23 Sheets of Formal Drawings (A4 paper; Figs. 1-72)
4. Copy of Revocation of Original Power of Attorney and Grant of New Power of Attorney as filed in prior application
5. Information Disclosure Statement with Form PTO-1449 and 3 cited documents
6. Check in the amount of \$740.00 (basic filing fee)
7. Self-addressed return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Box Patent Application
U.S. Patent and Trademark Office
Arlington, Virginia 22202

Date: February 27, 2002


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